

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/758,359
Confirmation No. 5320
Filing Date01/15/2004
Inventorship Cheng et al.
Appellant Microsoft Corporation
Group Art Unit..... 2179
Examiner Heffington, John M.
Attorney's Docket No. MS1-4068US
Title: Rich Profile Communication with Notifications

REPLY BRIEF

To: Commissioner for Patents
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From: Don H. Min (Tel.206-876-6002; Fax 509-323-8979)
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Dear Sir:

Appellant's representative submits this Reply Brief pursuant to 37 C.F.R. §41.41 in response to Examiner's Answer dated April 6, 2009 ("the Examiner's Answer"), in connection with Appellant's Appeal Brief filed December 12, 2008 ("the Appellant's Appeal Brief"). Appellant respectfully requests favorable consideration.

Grounds of Rejection to be Reviewed on Appeal

Claims 1-6, 8, 9, 11, 12, 27-31 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,139,797 to Yoakum et al. (“Yoakum”).

Rejections under 35 U.S.C. §103(a)

In the Examiner’s Answer, the Office has simply restated the same rejections of claims 1-6, 8, 9, 11, 12, 27-31 and 38 as provided in the Final Office Action of May 14, 2008. Appellant has fully addressed these rejections in Appellant’s Appeal Brief. In the interest of brevity, Appellant will not wholly repeat Appellant’s arguments from the Appeal Brief but will specifically address arguments presented in the Examiner’s Answer requiring further attention.

Response to Arguments

Appellant respectfully reiterates all arguments in favor of allowance made in Appellant’s Appeal Brief. No admission or comment is made with respect to any assertions put forth within the Examiner’s Answer not addressed herein. Appellant further argues as follows in view of the Examiner’s Answer.

Claim 1

Independent claim 1 recites:

A system embodied on computer readable storage medium that facilitates notifications, comprising:

a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals; and

a notification component that dynamically renders at least one graphical indicia representative of the entity’s states to at least one user, the notification component determines graphical indicia to render based upon a utility component that factors cost to the at least one user associated with rendering a

graphical indicia that incorrectly represents the entity's state versus benefit to the at least one user of rendering graphical indicia that correctly represents the entity's state. (Emphasis added.)

In the Response to Arguments section of the Examiner's Answer addressing independent claims 1, 27 and 38 together, the Office disagrees with Appellant's assertion with respect to independent claim 1 providing that, *inter alia*, "it is inherent in the estimation of the user's availability to factor the cost-benefit calculations of the user into the estimation of availability of the user by the system." (Examiner's Answer, pg. 24). Furthermore, the Office asserts that the "user has calculated a cost-benefit in excluding all individuals and groups from communicating when he is participating in a communication session and then allowing some individuals and groups to contact him when he is inactive in the communication session." *Id.* Without identifying the necessary support from Yoakum, the Office improperly generates an initial assumption that the cost-benefit calculations are inherent in the estimation of the user's availability and, based on its tenuous initial assumption, further assumes that the system must calculate the cost-benefit of sending varying availability and communication methods to different users and that the system must calculate a cost-benefit of prioritizing one communication method over another.

However, the attenuated cost-benefit calculation provided by the Office misses the mark since the calculation is focused on the user being able to exclude others while participating in a communication session, rather than focusing on the correct/incorrect graphical indicia rendered to another user that correctly/incorrectly represents the user's state.

In other words, the cost-benefit calculations purportedly performed by a user and incorporated into the rules that he formulates for determining his availability to others does not imply any inherent analysis with respect to a cost or benefit to the

another user related to receiving a correct/incorrect current status indication of the user defining the rules. Indeed, these are two distinct and separate concepts which are not related in the manner provided in the Examiner's Answer. The former is defining how a user wants to be contacted while the latter relates to a status indicator of one user provided to another user.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 1.

Claim 2

Claim 2 recites the system of claim 1, the notification component renders graphical indicia as a function of the at least one user's device's capability.

In the Response to Arguments section of the Examiner's Answer, the Office disagrees with Appellant's assertion with respect to claim 2 providing that, *inter alia*, "Yoakum discloses that the presence application may associate an icon with a given user and control the form of the icon in a manner indicating the best method to contact a given user." (Examiner's Answer, pp. 24-25.)

However, a presence application providing a prioritized list of methods to contact a user fails to teach or suggest, at least, rendering graphical indicia representative of the entity's state as a function of the capabilities of the devices of the user.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 2.

Claim 5

Claim 5 recites the system of claim 1, the notification component dynamically renders annotations or comments as a function of the entity's state, wherein the entity inputted annotations or comments for each entity state.

In the Response to Arguments section of the Examiner's Answer, the Office disagrees with Appellant's assertion with respect to claim 5 providing that, *inter alia*, "[a]s disclosed in Yoakum, the entity inputs the devices to be delivered to the user singularly or in a list which identifies the preferred ways to communicate to the entity to accompany the presence information displayed to the user." (Examiner's Answer, pg. 26.)

However, a user defined profile which defines user devices and rules fails to teach or suggest, at least, that the notification component dynamically renders annotations or comments as a function of the entity's state, wherein the entity inputted annotations or comments for reach entity state,

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 5.

Claim 8

Claim 8 recites the system of claim 1, the entity defines the order in which users will receive the graphical indicia representative of the entity's state.

The Office concedes that Yoakum does not disclose the limitations of claim 8 but argues that the limitations of claim 8 would have been obvious to one of ordinary skill to add this feature to Yoakum. (Examiner's Answer, pg. 26.) Furthermore, in the Response to Arguments section of the Examiner's Answer, the Office provides that, *inter*

alia, “it would have been obvious to one having ordinary skill in the art at the time of the invention to add the entity defines the order in which users will receive the graphical indicia representative of the entity’s state to Yoakum.” (Examiner’s Answer, pg. 26.)

However, Yoakum merely makes a general statement regarding a profile capable of defining different categories of subscribers for which different presence information is provided and allowing the user to control delivery and use of presence information to the subscribers based on the categorization. As such, the profile relates to rules that determine which state information will be presented to users (“subscribers”) and lacks the motivation to add the entity defining the order in which users will receive the graphical indicia representative of the entity’s state as recited in claim 8.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 8.

Claim 11

Claim 11 recites the system of claim 1, the entity defines a plurality of sets of graphical indicia representing the entity’s states, each set comprises at least one graphical indicia that is different for a particular state than the other sets, the entity assigns at least one set for display to a first user and at least one other set for display to a second user.

In the Response to Arguments section of the Examiner’s Answer, the Office disagrees with Appellant’s assertion with respect to claim 11 providing that, *inter alia*,

“[t]he profile can define different categories of subscribers for which different presence information is provided.” (Examiner’s Answer, pg. 27.)

However, defining different categories of subscribers for which different presence information is provided does not teach or suggest, at least, “a plurality of sets of graphical indicia representing the entity’s states” as recited in claim 11. In other words, presence information, as taught in Yoakum, is provided to different categories of subscribers with the same graphical indicia, regardless of the state of the entity and/or the identity of the user.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 11.

Claim 27

Independent claim 27 recites:

A method of facilitating message notifications, comprising:

receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals;

dynamically rendering at least one graphical indicia representative of the state based upon cost associated with rendering graphical indicia that incorrectly represents the entity’s state versus benefit of rendering graphical indicia that correctly represents the entity’s state; and

presenting the at least one graphical indicia to at least one user.
(Emphasis added.)

In the Response to Arguments section of the Examiner’s Answer addressing independent claims 1, 27 and 38 together, the Office disagrees with Appellant’s assertion with respect to independent claim 27 providing that, *inter alia*, “it is inherent in the estimation of the user’s availability to factor the cost-benefit calculations of the user into the estimation of availability of the user by the system.” (Examiner’s Answer,

pg. 24). Furthermore, the Office asserts that the “user has calculated a cost-benefit in excluding all individuals and groups from communicating when he is participating in a communication session and then allowing some individuals and groups to contact him when he is inactive in the communication session.” *Id.*

However, the cost-benefit calculation provided by the Office misses the mark since the calculation is focused on the user being able to exclude others while participating in a communication session, rather than focusing on the correct/incorrect graphical indicia rendered to another user that correctly/incorrectly represents the user’s state.

In other words, the cost-benefit calculations purportedly performed by a user and incorporated into the rules that he formulates for determining his availability to others does not imply any inherent analysis with respect to a cost or benefit to the another user related to receiving a correct/incorrect current status indication of the user defining the rules. Indeed, these are two distinct and separate concepts which are not related in the manner provided in the Examiner’s Answer. The former is defining how a user wants to be contacted while the latter relates to a status indicator of one user provided to another user.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 27.

Claim 29

Claim 29 recites the system of claim 27, further comprising providing multiple tiles of the at least one graphical indicia for a particular state, wherein each tile differs in part according to a user that the at least graphical indicia will be presented.

The Office concedes that Yoakum does not disclose the limitations of claim 29 but argues that the limitations of claim 29 would have been obvious to one of ordinary skill to add this feature to Yoakum. (Examiner's Answer, pg. 27.) Furthermore, in the Response to Arguments section of the Examiner's Answer, the Office provides that, *inter alia*, "it would have been obvious to one having ordinary skill in the art at the time of the invention to add providing multiple tiles of the at least one graphical indicia for a particular state, wherein each tile differ in part according to a user that the at least one graphical indicia will be presented." (Examiner's Answer, pg. 28.)

Moreover, the Office refers to U.S. Publication No. 2003/0020671 to Santoro et al. ("Santoro") to support the assertion that "it is common in the art to graphically represent entities such as users with graphical tiles. However, Santoro merely describes a graphical user interface composed of a grid of tiles providing a user with access and operation to control multiple data sources/applications on a display and is silent regarding graphical indicia for a particular state, wherein each tile differ in part according to a user that the at least one graphical indicia will be presented.

Nevertheless, Yoakum merely refers to the profile defining rules for determining the state information that is presented to users. As such, the profile relates to rules that determine which state information will be presented to users and lacks the motivation to add providing multiple tiles of the at least one graphical indicia for a particular state, wherein each tile differs in part according to a user that the at least graphical indicia will be presented as recited in claim 29.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 29.

Claim 30

Claim 30 recites the system of claim 27, further comprising the user presented a plurality of graphical indicia representative of states of a plurality of entities, the user ordering display of the graphical indicia according to priority of the entities.

The Office concedes that Yoakum does not disclose the limitations of claim 30 but argues that the limitations of claim 30 would have been obvious to one of ordinary skill to add this feature to Yoakum. (Examiner's Answer, pg. 28.) Furthermore, in the Response to Arguments section of the Examiner's Answer, the Office provides that, *inter alia*, "[o]ne could have been motivated to add the user presented a plurality of graphical indicia representative of states of a plurality of entities." (Examiner's Answer, pp. 26-27.)

However, Yoakum merely provides that a user can identify users for which they would like to receive presence information and lack the motivation to ordering display of the graphical indicia according to priority of the entities as recited in claim 30.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 30.

Claim 31

Claim 31 recites the system of claim 30, further comprising automatically ordering display of the graphical indicia based upon the frequency of communication between the user and each of the entities.

The Office concedes that Yoakum does not disclose the limitations of claim 31 but argues that the limitations of claim 31 would have been obvious to one of ordinary skill to add this feature to Yoakum. (Examiner's Answer, pg. 29.) Furthermore, in the

Response to Arguments section of the Examiner's Answer, the Office provides that, *inter alia*, "it would have been obvious to one having ordinary skill in the art at the time of the invention to add automatically ordering display of the graphical indicia based upon the frequency of communication between the user and each of the entities." (Examiner's Answer, pg. 29.)

However, Yoakum merely provides that presence information can be filtered based upon a user profile and lack the motivation regarding any type of ordering based upon frequency of communication as recited in claim 31.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 31.

Claim 38

Independent claim 38 recites:

A system embodies on computer readable storage medium that facilitates notifications, comprising:

means for receiving information relating to a state of at least one entity, wherein an entity is an individual or group of individuals;

means for dynamically rendering at least one graphical indicia representative of the entity's state to at least one user, the notification component determines graphical indicia to render based upon a *utility component that factors cost to the at least one user associated with rendering graphical indicia that incorrectly represents the entity's states versus benefit to the at least one user of rendering graphical indicia that correctly represents the entity's state*; and

means for the at least one entity to define a plurality of sets of graphical indicia representing the entity's state, each set comprises at least one graphical indicia that is different for a particular state than the other sets, the entity assigns at least one set for display to a first user and at least one other set for display to a second user. (Emphasis added.)

In the Response to Arguments section of the Examiner's Answer addressing independent claims 1, 27 and 38 together, the Office disagrees with Appellant's

assertion with respect to independent claim 38 providing that, *inter alia*, “it is inherent in the estimation of the user’s availability to factor the cost-benefit calculations of the user into the estimation of availability of the user by the system.” (Examiner’s Answer, pg. 24). Furthermore, the Office asserts that the “user has calculated a cost-benefit in excluding all individuals and groups from communicating when he is participating in a communication session and then allowing some individuals and groups to contact him when he is inactive in the communication session.” *Id.*

However, the cost-benefit calculation provided by the Office misses the mark since the calculation is focused on the user being able to exclude others while participating in a communication session, rather than focusing on the correct/incorrect graphical indicia rendered to another user that correctly/incorrectly represents the user’s state.

In other words, the cost-benefit calculations purportedly performed by a user and incorporated into the rules that he formulates for determining his availability to others does not imply any inherent analysis with respect to a cost or benefit to the another user related to receiving a correct/incorrect current status indication of the user defining the rules. Indeed, these are two distinct and separate concepts which are not related in the manner provided in the Examiner’s Answer. The former is defining how a user wants to be contacted while the latter relates to a status indicator of one user provided to another user.

As such, Applicant respectfully submits that Yoakum does not suggest or teach all of the elements of claim 38.

Conclusion

For at least the reasons provided above, Appellant respectfully submits that the rejections set forth in the Final Office Action of May 14, 2008 in connection with the subject application should be reversed. Appellant respectfully requests favorable consideration of this Reply Brief.

Respectfully Submitted,

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Dated: June 8, 2009

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